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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/982,114

10/17/2001

David J. Kinsella

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08/23/2006

LAW OFFICES OF DOUGLAS W RUDY LLC
14614 NORTH KIERLAND BLVD
SUITE 300
SCOTTSDALE, AZ 85254

EXAMINER

PYZOCHA, MICHAEL J

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,114

Applicant(s)

KINSELLA ET AL.

Examiner

Michael Pyzocha

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2137

DETAILED ACTION

1. Claims 3 and 12 are pending.
2. Amendment filed 07/21/2006 has been received and considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al (US 6484260) in view of Kinsella (US 6148094).

As per claim 3, Scott et al discloses a biometric passkey device configured to perform one or more transactions with a remote computer system without transmitting any biometric information to the remote computer system, the passkey device comprising audit log storage and authorization profile storage of permissible functions, transactions, and remote computer system allowance for a user of the biometric passkey, the device

Art Unit: 2137

being configured to: (a) authenticate the identity of a user by comparing the user's unique biometric information with biometric information stored with the passkey device (Col. 1, lines 56-57 and Col. 4, lines 14-20); (b) transmit unique passkey device information to the remote computer system to authenticate the identity of the passkey device (Col. 1, line 61; Col. 2, lines 20-21; Col. 3, lines 28-29; Col. 4, lines 25-34) and (c) perform one or more transactions with the remote computer system if the identity of the user is first authenticated by the passkey device and the identity of the passkey device is next authenticated by the remote computer system (Col. 4, lines 20-40 and lines 57-60).

Scott et al fails to disclose the authorization profile storage storing permissible dates, times, function, transactions allowable to be accessed.

However, Kinsella teaches the use of such an authorization profile (see column 9 lines 11-20).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include an authorization profile storing permissible dates, times, function, transactions allowable to be accessed in the Scott et al system.

Art Unit: 2137

Motivation to do so would have been to provide transparent and continuous verification of a user (see Kinsella column 3 lines 25-59).

Note: Kinsella also teaches audit log storage in the cited portion of the specification.

As per claim 12, the modified Scott et al and Kinsella system discloses a system for performing secure transactions between a biometric passkey device and a remote computer system without transmitting any biometric information to that remote computer system, the system comprising: (a) a biometric passkey device having authorization profile storage and audit log storage (see Kinsella Col. 9 lines 11-20) configured to (i) authenticate the identity of a user by comparing the user's unique biometric information with biometric information stored with the passkey device (see Scott et al Col. 1, lines 56-57 and Col. 4, lines 14-20); and (ii) transmit unique passkey device information to the remote computer system (see Scott et al Col. 1, line 61; Col. 2, lines 20-21 and Col. 4, lines 31-32); and (b) a remote computer system configured to (i) authenticate the identity of the passkey device by comparing the unique passkey device information with device information stored on the remote computer system (see Scott et al Col. 4, lines 31-33 and lines 58-60); and (ii) allow the passkey device to perform one or more

Art Unit: 2137

transactions on the remote computer system if the identity of the user is first authenticated by the passkey device and the identity of the passkey device is next authenticated by the remote computer system (see Scott et al Col. 4, lines 20-40 and lines 57-60).

Response to Arguments

5. Applicant's arguments with respect to claims 3 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will

Art Unit: 2137

expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJP


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER